

Memorandum

February 3, 2025

To: LAFCo Commission

From: Plumas LAFCo Executive Officer

**Re: File 2024-0003: Peninsula FPD Annexation of Chester PUD Fire Service Area
Protest Hearing Certification**

Background

On December 27, 2024 the Plumas LAFCo voted unanimously, 5-0, to adopt Resolution No. 2024-0009 approving Peninsula Fire Protection District's annexation of Chester Public Utility District's fire service area and the divestiture of fire and emergency medical services by Chester Public Utility District subject to the terms and conditions included in the Resolution and the completion of the Conducting Authority Proceedings.

Protest Proceedings

As the proposal did not have 100% consent of the affected landowners and registered voters, the approval was subject to Protest Proceedings. The protest period started on December 28, 2024 and was open for 30 days. A Protest Hearing was held on January 30, 2025 at the Chester Public Utility District and was publicly noticed pursuant to Government Code Section 57025, consisting of newspaper publication in the Mountain Messenger. Protest forms were collected by LAFCo staff via mail and in-person, until the close of the hearing at 1:30 pm on January 28, 2025. Pursuant to Government Code Sections 57077.5 and 57093, the proposal is subject to the following protest thresholds for proposals not initiated by the Commission:

1. Terminate proceedings if 50% or more of the registered voters residing in the affected territory file a written protest; or
2. Order the change of organization subject to the confirmation of the registered voters residing in the affected territory if written protests have been filed by at least 25% but less than 50% of the registered voters residing in the territory, OR 25% of the number of landowners who also own at least 25% of the assessed land value of land in the affected territory; or
3. Order the change of organization without an election if written protests have been filed by less than 25% of the registered voters in the affected territory and less than 25% of the landowners who own at least 25% of the assessed land value in the affected territory.

LAFCo received a single protest by mail during the protest period (see attached). All protest forms are evaluated pursuant to Government Code Sections 56704, 57051, and 57052. Landowner protest forms are reviewed under Government Code Section 56708 and 56709, which includes a requirement for how publicly owned parcels are assessed and how parcels that joint tenancy or tenancy in common are valued. Registered voter protests forms are reviewed pursuant to Government Code Section 56707.

As the number and value of protests met neither the 50% threshold for terminating the proceedings nor the 25% thresholds for requiring an election, the Commission is under a mandatory statutory duty to approve the change of organization.

After the conclusion of the certification of the protest hearing results, there are no additional actions required to be taken by the Commission to the change of organization as approved by the LAFCo Commission on December 27, 2024 in Resolution 2024-0009. The Certificate of Completion has been filed and the Change of Organization is effective immediately.

Recommended Commission Action

1. Confirm certification of protest hearing results by motion.

Attachments

- A. LAFCo Resolution 2024-0009.
- B. Written protests received.

Resolution 2024-0009
Of the
Plumas Local Agency Formation Commission
in
Plumas County, California

Making Determinations and Approving Annexation of the Territory within Chester Public Utility District to Peninsula Fire Protection District and Divestiture of Fire and Emergency Medical Services by Chester Public Utility District

WHEREAS, a joint application was filed with the Executive Officer of the Plumas Local Agency Formation Commission by one Public Utility District organized under the provisions of Public Utilities Code Section 15501, et seq and one Fire Protection District organized under the provisions of Health and Safety Code Section 13800, et seq, the Chester Public Utility District ("CPUD") and the Peninsula Fire Protection District ("PFPD"). The application proposes a reorganization where the entirety of the territory within CPUD would be annexed into PFPD and fire and emergency medical services subsequently divested by CPUD, therefore transferring all related services to PFPD. Said application complied with all the requirements of law and the Commission; and,

WHEREAS, the proceedings for this reorganization are governed by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Section 56000 et seq. of the Government Code; and,

WHEREAS, the applicants are located in Plumas County; and

WHEREAS, the Commission has heard and adopted a Municipal Service Review of services provided by the Chester Public Utility District and the Peninsula Fire Protection District and adopted Resolution 2024-0005 on December 27, 2024 in accordance with Government Code Section 56430; and

WHEREAS, in Resolution 2024-0005 on December 27, 2024 the Commission made the required determinations regarding the four factors relevant to determining spheres of influence identified in Government Code Section 56425 for CPUD and adopted a Zero Sphere of Influence for the District; and,

WHEREAS, in Resolution 2024-0005 on December 27, 2024 the Commission made the required determinations regarding the four factors relevant to determining spheres of influence identified in Government Code Section 56425 for PFPD and adopted an expanded Sphere of Influence for the District to include the Chester PUD fire service boundaries; and,

WHEREAS, CPUD and PFPD's Spheres of Influence, as amended in Resolution 2024-0005 are consistent with the proposed annexation as required by Government Code Section 56375.5; and

WHEREAS, the Districts have jointly developed a Plan for Service that sets forth the terms of the reorganization and transfer of service, including transfer of assets, property, personnel and equipment; and,

WHEREAS, CPUD, acting as the Lead Agency for this project in accordance with the provisions of the California Environmental Quality Act, has reviewed the reorganization proposal and has found that it qualifies for exemption under Class 20: Changes in Organization of Local Agencies, where the changes do not change the annexation area in which previously existing powers are exercised and that it will not result in adverse changes to the environment nor to the level or scope of services provided; and,

WHEREAS, at the time and in the manner provided by law, the Executive Officer gave notice of the date, time, and place of a public hearing by the Commission upon said application, including mailed notice to affected and subject agencies and published notice in newspapers of general circulation in order to ensure agencies, affected citizens and landowners were aware of the proposal; and,

WHEREAS, the Executive Officer has reviewed the application and has prepared a report including staff recommendations thereon within the time required by law and has furnished copies of said report to the Commission and to all other persons required by law to receive it; and,

WHEREAS, the Commission has heard all interested parties desiring to be heard at the public hearing and considered the application and report by the Executive Officer and all other relevant evidence and information presented at said hearing;

NOW, THEREFORE, the Plumas Local Agency Formation Commission determines the following:

1. The foregoing recitals are true and correct.
2. The territory comprises approximately 1.84 square miles more or less and is found to be inhabited.
3. The Commission adopts the determinations regarding consistency with LAFCo Policies contained in the staff report for this reorganization and incorporates them by reference herein.
4. The change of organization is assigned the following distinctive short-term designation:
Peninsula Fire Protection District Annexation of Chester Public Utility District fire service boundaries and Divestment of Fire by Chester PUD (Plumas LAFCo File No. 2024-0003)
5. The Commission concurs with and affirms the Chester Public Utility District finding that this project qualifies for a Categorical Exemption to CEQA under Class 20 - *Changes in the organization or reorganization of local governmental agencies where the changes do not change the annexation area in which previously existing powers are exercised.*
6. The boundaries, as set forth in this reorganization (or as amended by action of the Commission), are hereby approved as submitted and are as described in Exhibit "A" Map attached hereto and by this reference incorporated herein subject to the terms and conditions included.
7. This reorganization consists of the following jurisdictional changes:
 - Peninsula Fire Protection District – Annexation of Chester Public Utility District fire service boundary and assumption of services
 - Chester Public Utility District – Divestment of fire and emergency medical services and transfer of services

NOW, THEREFORE, the Commission resolves and orders the following:

1. Conditions

1.1. Approval of Proposal

The proposal is a reorganization where the entirety of the territory within Chester Public Utility District fire boundaries would be annexed into the Peninsula Fire Protection District and the Chester Public Utility District subsequently divested of the power to provide fire and emergency medical services, ultimately transferring all services to the Peninsula Fire Protection District. In addition to LAFCo's Terms and Conditions, this reorganization shall be subject to terms and conditions as stated in the initiating resolutions included in the following documents all of which documents are by this reference incorporated herein:

- Resolution 2024-437 adopted November 6, 2024 by the Chester Public Utility District;
- Resolution 11-08-2024-01 adopted November 8, 2024, by the Peninsula Fire Protection District;
- Plan for Services developed by the Chester Public Utility District and the Peninsula Fire Protection District as set forth in Resolutions 2024-437 (CPUD) and 11-08-2024-01 (PFPD).

1.2. Transfer of Services

The authority of Chester Public Utility District to provide fire, emergency medical, and rescue services (as defined in Public Utilities Code Section 15501, et seq) is hereby transferred to the Peninsula Fire Protection District entirely, and the Peninsula Fire Protection District is hereby designated as the "successor agency" to the Chester Public Utility District with respect to such

services. Peninsula Fire Protection District shall succeed to all licenses, permits and authorities and all obligations and responsibilities of the Chester Public Utility District with respect to fire and emergency medical services. In addition, all fire and emergency medical assets including financial and fixed assets as outlined in the initiating resolutions shall be transferred to the Peninsula Fire Protection District.

1.3 Effective Date

This reorganization shall be effective upon the recordation of this Certificate of Completion, which shall take place after compliance with the terms and conditions stated in this resolution, or January 1, 2025, whichever is earlier.

2. Financial Conditions

2.1 Transfer of Property

After the effective date of this resolution, all resources and assets related to fire services, as outlined in the initiating resolutions, of Chester Public Utility District, including facilities, equipment, fixtures, tools, vehicles, real property, as well as management and control thereof, will be transferred to and accepted by the Peninsula Fire Protection District upon the effective date of this reorganization. The Peninsula Fire Protection District will accept such assets "as-is" with all leases or other liabilities attached thereto.

2.2 Transfer of Revenues, Expenses, Assets and Fund Balances

After the effective date of this reorganization, the revenues, expenses, assets and fund balances of the Chester Public Utility District Fire Department will be transferred to the Peninsula Fire Protection District, in the manner defined in the initiating resolutions, the County tax sharing resolution, and in this resolution.

2.3 Property Tax Transfer

As specified in the Resolutions of Application and County Tax Sharing Resolution, all revenues from property tax collected within and attributable to the jurisdiction of the Chester Public Utility District shall be transferred to the Peninsula Fire Protection District after all fire service related debt is paid off by CPUD.

2.4 Transfer of Previously Authorized Special Taxes and Assessments and Associated Fund Balances

The authority to administer any tax and (or) assessment is transferred to the Peninsula Fire Protection District. The special tax for fire services levied by Chester Public Utility District shall continue to be collected by CPUD until all fire related debt is paid off.

2.5 Property Tax Exchange

As stated in the LAFCO Staff Report of December 27, 2024, the amount of base property tax and tax increment transferred shall be in accordance with Plumas County Board of Supervisor's Resolution 24-8976 herein attached as Exhibit B.

2.6 Use of Assessment Roll

The regular county assessment roll will be utilized for this change of organization.

2.7 Appropriations Limit

Pursuant to Section 7902.7 and Article XIII B of the State Constitution, the Commission hereby transfers the existing appropriations limit of the Chester Public Utility District to the successor

Peninsula Fire Protection District, as the agency's provisional appropriations limit, as of the effective date of this reorganization.

3 Operational Conditions

3.1 Ordinances and Resolutions

All Peninsula Fire Protection District ordinances, resolutions, policies and fee schedules are hereby extended to the entirety of its territory upon annexation.

3.2 Service Plan

The Plan for Services provided in the Resolutions of Application submitted by the Chester Public Utility District and Peninsula Fire Protection District shall guide the Board of Directors of the Peninsula Fire Protection District as to the manner in which services are provided in the affected territory.

3.3 Board of Directors

The Board of Directors Peninsula Fire Protection District shall remain unchanged; however, residents within the annexed territory will become eligible to sit on the Board through the legislated process to fill vacancies or run for election.

4 Spheres of Influence

4.1 Sphere of Influence

The Sphere of Influence for the Peninsula Fire Protection District includes the territory presently within Peninsula Fire Protection District and the territory to be annexed within the Chester Public Utility District as adopted on December 27, 2024 in Resolution 2024-0005.

5 Commission Directions to Staff

5.1 LAFCo is the conducting authority for this reorganization. In accordance with the provisions of Section 57000 of the Government Code and with Plumas LAFCo Policies, the Commission hereby directs the Executive Officer to schedule a protest hearing for this matter after the expiration of the reconsideration period specified by Section 56895; to conduct the hearing for this reorganization; and, upon completion of the hearing, to take action as appropriate in accordance with LAFCo Policies and the requirements of Chapter 3, Part 4 of Division 3 of the California Government Code.

5.2 The Executive Officer is hereby directed to transmit a certified copy of this resolution to each affected agency, as provided for in Government Code Section 56882.

5.3 The Executive Officer is hereby directed to file a Notice of Exemption meeting the requirements of CEQA

5.4 One set of copies of all exhibit maps and geographic or metes and bounds descriptions, two 8 1/2 reductions of all maps and electronic copies in PDF format meeting the state Board of Equalization Requirements shall be submitted to LAFCO prior to the recordation of the Certificate of Completion. All maps and boundary descriptions shall comply with the State Board of Equalization requirements. Any boundary description and (or) map, if rejected by the State Board of Equalization or amended by LAFCO, will be revised at the expense of the applicant. The applicant shall be responsible for all associated costs. The boundary description and map if amended by action of the Commission will be revised and checked at the expense of the applicant, prior to filing of the Certificate of Completion. The Boundary Description and

Map must contain the following information: Plumas LAFCO File 2024-0003 Peninsula Fire Protection District Annexation of Chester Public Utility District fire service boundaries and Divestment of Fire by Chester PUD.

- 5.5 Any and all Plumas County, Plumas LAFCO and State of California fees or costs must be paid in full prior to filing the Certificate of Completion. LAFCO will forward invoices and (or) a list of required fees prior to filing the Certificate of Completion for direct payment to the agency by project proponent.
- 5.6 Approval of this reorganization is conditioned upon the applicant's obligation to defend, indemnify, and hold harmless the Plumas Local Agency Formation Commission and its agents, officers and employees from any claim, action or proceeding against the Commission or its agents, officers, and employees; including all costs, attorney's fees, expenses and liabilities incurred in the defense of such claim, action, or proceeding to attack, set aside, or void the approval or determinations of this Commission concerning this change of organization. The Plumas Local Agency Formation Commission shall promptly notify the applicant of any such claim, action, or proceeding and be entitled to representation by counsel of its choosing.
- 5.7 The Executive Officer is directed to record a Certificate of Completion in Plumas County for this proposal after the expiration of the 30-day reconsideration period.
- 5.8 Completion of proceedings shall be concluded within one year after adoption of this resolution. If the proceedings are not concluded within one year after passage of this resolution, all proceedings shall be terminated unless a request for an extension is submitted to LAFCo prior to the expiration date.

The foregoing resolution was duly passed by the Plumas Local Agency Formation Commission at a special meeting held on December 27, 2024, by the following roll call vote:

AYES: - MURPHY, POWERS, GOSS, MCGOWAN, HAESCHE

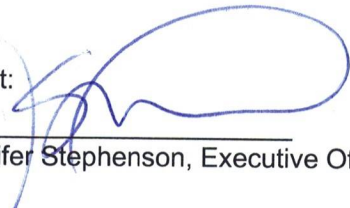
NOES: - $\emptyset$

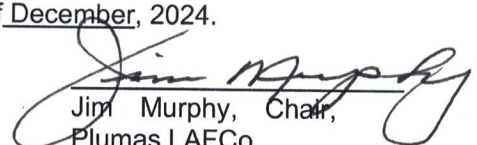
ABSENT: - $\emptyset$

ABSTAIN: - $\emptyset$

Signed and approved by me after its passage this 27th day of December, 2024.

Attest:


Jennifer Stephenson, Executive Officer


Jim Murphy, Chair,
Plumas LAFCo

PLUMAS LAFCo NOTICE OF PROTEST HEARING

Plumas LAFCo File No 2024-0003: Annexation of the territory within the Chester Public Utility District (CPUD) to the Peninsula Fire Protection District (PFPD) and concurrent divestment of fire and emergency medical services by CPUD

NOTICE IS HEREBY GIVEN that the Plumas Local Agency Formation Commission (LAFCo) will hold a public protest hearing on Tuesday, **January 28, 2025**, to receive written protest against the reorganization including annexation of the area within the Chester Public Utility District (CPUD) to the Peninsula Fire Protection District (PFPD) and divestment of fire and emergency medical services by PFPD. Owners of property and voters residing within the annexation territory may now file written protests against the proposal.

Proceedings for this proposal were initiated by PFPD on November 8, 2024 and CPUD on November 6, 2024. The Plumas Local Agency Formation Commission (LAFCo) approved the proposal on December 27, 2024, which will be effective upon recordation of the Certificate of Completion. The resolution approving this action is accessible from the LAFCo website at www.plumaslafco.org

The hearing will **BEGIN at 1:00 p.m. on Tuesday, January 28, 2025**, at the Chester Public Utility District Office at 251 Chester Airport Rd, Chester, CA 96020. The hearing will **END at 1:30 p.m.** if no one appears to submit a written protest in person.

To be counted, protests must be in writing and signed. They must be submitted before close of the hearing, and they must be made by owners of land within the area and (or) by registered voters residing within the subject territory. A form is printed below for the convenience of anyone wishing to file a protest; it may be copied or filled in, detached, and returned to the LAFCo office. Protests may be mailed to Plumas LAFCo, 5050 Laguna Blvd, #112-711 Elk Grove, CA 95758 or delivered to the LAFCo Executive Officer or her designee at the protest hearing. Each protest must clearly state whether it is made by a landowner or a registered voter or submitted for both and must include the name and address of the person submitting it and original signature. Landowner protests must also include a street address or parcel number identifying the location of the property in question. A registered voter's protest must show the voter's name and residence address as it appears on the affidavit of registration.

The value of protests received and not withdrawn before the hearing concludes will be determined within 30 days following the hearing in accordance with Government Code Section 57075. For more information, please call the LAFCo office at (530) 283-7069.

PROTEST OF PROPERTY OWNER*	PROTEST OF REGISTERED VOTER
Name of Property Owner, as shown on latest assessment roll: GREGORY D & JOANNE BOLAM GREEN	Name and Address of Registered Voter, as shown on the affidavit of registration: GREG D. GREEN
Address or Parcel Number of the Property: 100-132-044 284 ASPEN ST. CHESTER	P.O. BOX 485 CHESTER CA 96020
I hereby protest against the proposal titled: Peninsula Fire Protection District annexation of Chester Public Utility District Fire Boundary Area Print Name: GREG D GREEN *Signature: <i>[Signature]</i> Date: 1/16/25	I hereby protest against the proposal titled: Peninsula Fire Protection District annexation of Chester Public Utility District Fire Boundary Area Print Name: GREGORY D. GREEN Signature: <i>[Signature]</i> Date: 1/16/25
* Protests made on behalf of a property owner by an agent must be accompanied by the owner's written authorization of the agent with respect to that land. If title is held by more than one person jointly, the protest should bear <u>all</u> their signatures.	